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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,093	10/04/2001	David Isherwood	52555-5015	2116
28977	7590	02/10/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/971,093

**Applicant(s)**

ISHERWOOD ET AL.

**Examiner**

Uyen-Chau N. Le

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/10/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prelim. Amdt/Amendment*

1. Receipt is acknowledged of the Amendment filed 10 November 2004.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al (US 6,076,733) in view of Hayes Jr. (US 6,105,063).

Re claims 1-6: Wilz Sr. et al discloses a system and method for directing an end-user to a network location using information corresponding to a provider associated with the end-user, comprising a database with a plurality of records each of which is

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associated with a different machine-readable code 8, wherein one or more of the records has a plurality of different network addresses associated therewith, the different network address being associated with different providers; a network site at which scan information associated with one or more scans of machine-readable codes made by the end-user with a remote scanning device is received, the end-user being associated with one of the different providers; wherein in response to the scan information, records associated with the machine-readable codes scanned by the end-user are retrieved from the database; based on criteria specified by the provider associated with the end-user/based on an expressed goal of the end-user/based on property information of a session of the end-user on the network (figs. 4-5; col. 21, lines 44-64), at least one network address for each of the retrieved record is selected; and transmission of the at least one selected network address is initiated from the network site to the end-user (figs. 1-3; col. 10, line 1 through col. 20, line 67).

Wilz Sr. et al fails to teach or fairly suggest that the method comprising selecting at least one network address for each of the retrieved records based on user profile information, based on information regarding a device employed by the user to access the network, based on context information comprising information regarding current or historical activity of the user on the network.

Hayes Jr. teaches each retrieved record based on a user profile information (e.g., user ID and password) (fig. 7; col. 6, line 33 and col. 13, line 36 through col. 14, line 17); based on information regarding a device employed by the user to access the network (e.g., unique identifier of the terminal) (col. 13, lines 3-24); based on context information comprising current activity of the user on the network (i.e., pointing web browser at the

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URL of the desktop applet on the server, entering user ID and password, etc.) (col. 13, lines 36+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hayes Jr. into the method for directing an end-user to a network location as taught by Wilz Sr. et al in order to provide Wilz Sr. et al with a greater user-support capability (i.e., the retrieved information is displayed to the user in a specific configuration which designed for a particular terminal based on the terminal's unique identifier). Furthermore, such modification would provide a more accurate system in which the recorded information is retrieved based on the user profile and/or current activities, thus providing better fit for the user's needs which would eliminate time wasting in surfing the net caused by unnecessary information, and therefore providing a time consumption system.

### ***Response to Arguments***

5. Applicant's arguments filed 10 November 2004 have been fully considered but they are not persuasive.

6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. In response the Applicant's argument to "Hayes discloses "log-on support" using a "user profile" not selecting a network address for a retrieved record based on user profile (p. 6, lines 1-2), the examiner respectfully requests the Applicant to review Hayes

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wherein a URL (i.e., a network address) is selected based on user profile (i.e., the user ID and password) (fig. 7; col. 13, line 36 through col. 14, line 17). Accordingly, the claimed limitation, given the broadest reasonable interpretation, Wilz in view of Hayes, Jr. meets the claimed invention (see the rejection above).

8. In response the Applicant's argument to "Hayes discloses using an terminal identifier to locate and retrieve the terminal's configuration information... is not the same as selecting a network address for a retrieved record based on the user device used to access the network" (p. 6, lines 3-6), the examiner respectfully requests the Applicant to review Hayes wherein a unique identifier/MAC address is created for each saved configuration (i.e., record) at the server (col. 13, lines 3+), and the terminal communicates with the server through a network (fig. 1). Accordingly, a unique network address/MAC address is selected for a retrieved record/configuration based on the user device (i.e., the unique identifier of the terminal) used to access the network (col. 13, lines 18-24). Therefore, the claimed limitation, given the broadest reasonable interpretation, Wilz in view of Hayes, Jr. meets the claimed invention (see the rejection above).

9. In response the Applicant's argument to Hayes discloses "selecting a network address for a retrieved record based on current or past user activity" (p. 6, lines 8-9), the examiner respectfully requests the Applicant to review Hayes wherein based on context information comprising current activity of the user on the network (i.e., pointing web browser at the URL of the desktop applet on the server, entering user ID and password, etc.) (col. 13, lines 36+), a record/desktop applet can be retrieved/ran. Accordingly, the

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claimed limitation, given the broadest reasonable interpretation, Wilz in view of Hayes, Jr. meets the claimed invention (see the rejection above).

For the reasons stated above, the Examiner believes that a proper prima-facie case of obviousness has been established. Therefore, the Examiner has made this Office Action final.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Tracy et al (US 5,979,757) is cited as of interest and illustrate a similar structure to an apparatus and system of method and system for directing end user to selected network location of provider based on user-provided codes.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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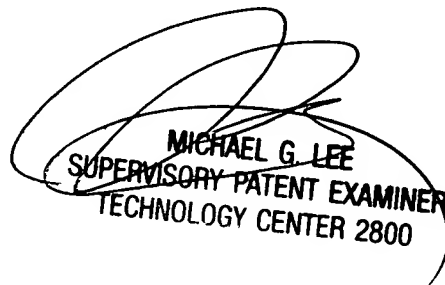
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*Uyen-Chau N. Le*  
February 1, 2005



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800